

commissioner; and he submits that being a high school trustee is not a disqualification under the Waterworks Act; and that, if it be a disqualification, the procedure taken herein is not the proper procedure and cannot avail the relator, as the Waterworks Act provides that the place of a commissioner shall become vacant from the same causes as the seat of a member of the council of the corporation.

The question to decide is, what are the causes which will render the seat of a member of the council of the corporation vacant?

Section 80 of the Consolidated Municipal Act provides that a high school trustee is disqualified from being a member of the council of the corporation.

Section 207 states some of the causes by which a member of the council renders his seat in the council vacant.

It appears to me that sec. 208 refers, not only to the causes rendering the seat of the member of the council vacant, after he becomes a member of the council, but also to his disqualification under sec. 80.

In my opinion, the causes which would render the seat of a member of the council vacant are set out in these secs., 207 and 208. In sec. 28 the words are, "or of his seat becoming vacant by disqualification or otherwise." What is the disqualification referred to in this section? The disqualifications referred to in the Act are those set forth in sec. 80: "No Judge . . . no high school trustee . . . shall be qualified to be a member of the council of any municipal corporation." These are disqualifications which effect a member of the council prior to his election, and which would render his seat vacant. If the commissioner of water and light must have the same qualifications as the member of the council, and his seat becomes vacant from the same causes as the seat of the member of the council of the corporation, then it appears to me that, under sec. 80, he is disqualified from becoming a waterworks commissioner, as well as for the causes set forth in sec. 207.

It was argued by the relator that there were reasons why a high school trustee should not become a commissioner of water and light, and it may very well be that conflicting interests might arise. The question of disqualification on similar ground, and reasons therefor, were set forth in *Regina ex rel. Boyes v. Dettlor*, 4 P. R. 195. The case of a county councillor and a member of a school board came up in *Rex ex rel. Zimmerman v. Steele*, 5 O. L. R. 565, and *Rex*